
IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1865.

Read twice and referred to the Committee on the Pacific Railroad.

AN ACT

To authorize and aid in the construction of a railroad connecting the Pacific railroad, in California, with the Columbia river, in Oregon, and Puget Sound.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the California and Oregon Railroad Company, organized
4 under an act of the legislature of the State of California, to
5 protect certain parties in and to a railroad survey to connect
6 Portland, Oregon, with Marysville, California, approved April
7 sixth, eighteen hundred and sixty-three, be, and they are
8 hereby, authorized and empowered to lay out, locate, con-
9 struct, furnish, and maintain a railroad and telegraph upon
10 the following route, viz: Beginning at the city of Marysville,
11 in the State of California; thence northerly, by the most
12 eligible route, through the Sacramento valley, in the State of
13 California, and the Rogue river, Umpqua, and Willamette

14 valleys, in the State of Oregon, to the navigable waters of
15 the Columbia river.

1 SEC. 2. *And be it further enacted,* That the right of
2 way through the public lands be, and is hereby, granted to
3 said California and Oregon Railroad Company for the con-
4 struction of said railroad and telegraph, and the right, power,
5 and authority is hereby given to said company to take from
6 the public lands adjacent to the line of said road earth, stone,
7 timber, and other materials for the construction thereof. Said
8 right of way is granted to said railroad to the extent of two
9 hundred feet in width on each side of said railroad where it
10 may pass through the public domain, including all necessary
11 grounds for stations, buildings, workshops, depots, machine
12 shops, switches, side-tracks, turn-tables, and water stations.
13 And the United States shall extinguish, as rapidly as may be,
14 the Indian titles to all lands falling under the operation of
15 this act and donated to the roads named herein.

1 SEC. 3. *And be it further enacted,* That there be, and
2 hereby is, granted to the said company, its successors and
3 assigns, for the purpose of aiding in the construction of said
4 railroad and telegraph, and to secure the safe and speedy
5 transportation of the mails, troops, munitions of war, and
6 public stores over the said line of railway, every alternate
7 section of public land designated by odd numbers, to the
8 amount of ten sections per mile on each side of said railroad

8 and contiguous thereto; and the Secretary of the Interior
10 shall withdraw from sale the public lands on each side of said
11 road, and not more than twenty miles therefrom, as soon as
12 a map of the survey of said railroad shall be filed in his
13 office: *Provided*, That this grant shall not defeat or impair
14 any pre-emption, homestead, swamp-land, or other lawful
15 claim, existing at the time of the final location of the line of
16 said road; and all reservations of the government and all
17 lands containing mines of the precious metals are excluded
18 from the operation of this section. And the lands herein
19 granted shall be applied to the building of said road within
20 the State wherein they lie.

1 SEC. 4. *And be it further enacted*, That whenever said
2 company shall have twenty or more consecutive miles of any
3 portion of said railroad and telegraph ready for the service
4 contemplated by this act, the President of the United States
5 shall appoint three commissioners to examine the same, and
6 if it shall appear that twenty consecutive miles of railroad
7 and telegraph shall have been completed and equipped in all
8 respects as required by this act, the commissioners shall so
9 report under oath to the President of the United States, and
10 patents of lands as aforesaid shall be issued to said company .
11 granting and conferring to said company the right and title
12 to said lands, and from time to time whenever twenty or
13 more additional consecutive miles shall have been constructed,

14 completed, and in readiness as aforesaid, and so verified by said
15 commissioners to the President of the United States, then
16 patents shall be issued to said company conveying the addi-
17 tional sections of land as aforesaid, and so on as fast as every
18 twenty miles of said road is completed as aforesaid.

1 SEC. 5. *And be it further enacted*, That the grants afore-
2 said are made upon condition that said company shall keep
3 said railroad and telegraph in repair and ready for the gov-
4 ernment use, and shall at all times transport mails, troops,
5 munitions of war, supplies, and public stores upon said rail-
6 road for the government whenever required to do so by any de-
7 partment thereof, and that the government shall at all times
8 have the preference in the use of the same for all the pur-
9 poses aforesaid, at fair and reasonable rates of compensation,
10 not to exceed the amount paid by private parties for the
11 same kind of service.

1 SEC. 6. *And be it further enacted*, That said company
2 shall file their assent to this act in the Department of the
3 Interior within six months after the passage of this act, and
4 shall complete said railroad and telegraph, as hereinafter pro-
5 vided, to the northern boundary of the State of California
6 before the first day of July, eighteen hundred and seventy-
7 two. And the line of said railroad shall connect with the
8 Central Pacific railroad in California. And said road shall
9 be of the same gauge as the Central Pacific railroad, "that

10 is, four feet eight and one-half inches." And that portion of
11 the line of said railroad running through the State of Oregon
12 shall commence at a point on the navigable waters of the
13 Columbia river, running thence southerly to the State line
14 between Oregon and California, connecting with the Cali-
15 fornia portion of said railroad, and be completed previous to
16 July first, eighteen hundred and seventy-two.

1 SEC. 7. *And be it further enacted*, That in case said
2 company shall fail to comply with the terms and conditions
3 of this act by not completing said road within a reasonable
4 time, or by not keeping the same in repair and fit for use,
5 but shall permit the same for an unreasonable time to remain
6 unfinished or out of repair and unfit for use, Congress may
7 pass an act to insure the speedy completion of said road and
8 branches or put the same in repair and use, and may direct
9 the income of said railroad to be thereafter devoted to the use
10 of the United States to repay all such expenditures caused by
11 the default and neglect of said company.

1 SEC. 8. *And be it further enacted*, That the said Cali-
2 fornia and Oregon Railroad Company, their associates, suc-
3 cessors, and assigns, are to be governed by the general rail-
4 road law of California, as to the construction and management
5 of the road, in all matters wherein the same is not provided
6 for in this act.

1 SEC. 9. *And be it further enacted*, That the said Cali-

2 ornia and Oregon Railroad Company shall relinquish and
3 assign to the California and Columbia River Railroad Com-
4 pany, a corporation existing in the State of Oregon, the
5 exclusive right to construct all of that portion of the road in
6 the State of Oregon, together with all the grants of land as
7 above provided for per mile to said portion of the road, as
8 soon as the legislature of the State of Oregon shall have
9 passed the necessary laws for the protection of said com-
10 pany.

1 SEC. 10. *And be it further enacted*, That the Yuba Rail-
2 road Company, organized under the railroad laws of the State
3 of California, are hereby authorized and empowered to lay
4 out, locate, construct, furnish, and maintain a railroad and
5 telegraph, upon the most eligible route, from the city of
6 Marysville, to connect with the Central Pacific railroad of
7 California within twenty miles of the city of Sacramento,
8 upon the same terms, conditions, obligations, and restrictions,
9 and with the same grants, privileges, rights, and benefits, in
10 all respects, as are imposed and conferred by this act upon
11 the said California and Oregon Railroad Company.

1 SEC. 11. *And be it further enacted*, That the Puget
2 Sound and Columbia River Railroad Company, authorized
3 under the laws of the legislative assembly of the Territory
4 of Washington, are hereby authorized and empowered to lay
5 out, locate, construct, furnish, and maintain a railroad and

6 telegraph upon the most eligible route from Puget Sound to
7 the Columbia river, to connect with the California and
8 Columbia river railroad, upon the same terms, conditions,
9 obligations, and restrictions, and with the same grants, privi-
10 leges, rights, and benefits, in all respects, as are imposed and
11 conferred by this act upon the said California and Oregon
12 Railroad Company.

1 SEC. 12. *And be it further enacted*, That if either of
2 said companies shall fail to complete twenty miles in any
3 one year, all lands not earned by previous construction shall
4 revert to the United States, and become subject to distribu-
5 tion as fully as if this act had not been passed; and all lands
6 certified to either of said companies under this act shall be
7 sold by said company at private or public sale, within five
8 years from the time such company shall become entitled
9 thereto.

Passed the House of Representatives February 27, 1865.

Attest: EDWARD McPHERSON, *Clerk*.